

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

## PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

To:  
SYMED LABS LIMITED  
8-3-166/6&7, II Floor,  
Sree Arcade  
Erragadda, Hyderabad  
Andhrapradesh  
500 018 Hyderabad  
India

(PCI Rule 44.1)

Date of mailing  
(day/month/year) 10 February 2005 (10.02.2005)

Applicant's or agent's file reference  
SLL-PCI-3

**FOR FURTHER ACTION** See paragraphs 1 and 4 below

International application No  
PCT/IN 2004/000218

International filing date (day/month/year)  
20 July 2004 (20 07 2004)

Applicant  
SYMED LABS LIMITED

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and is transmitted herewith

**Filing of amendments and statements under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740 14 35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith

3. ☐ **With regard to the protest against payment of (an) initial fee(s) under Rule 40 2, the applicant is notified that:**  
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made

**4. Reminder:**

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis 1 and 90bis 3, respectively, before the completion of the technical preparations for international publication

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months. See the Annex to Form PCI/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide* Volume II, National Chapters and the WIPO Internet site.

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FAX No +43 / 1 / 53424-200

Authorized officer

HOFBAUER

Telephone No. +43 / 1 / 53424 - 225

Form PCT/ISA/220 (January 2004)

See notes on accompanying sheet

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## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

#### What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When ?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

**How ?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments ?

**Letter (Section 205(b)):**

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added"
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged"
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added"

### "Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

**It must be in the language in which the international application is to be published.**

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis 1(c)).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II

# PATENT COOPERATION TREATY

To:

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8-3-166/6&7, II Floor,  
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Erragadda, Hyderabad  
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500 018 Hyderabad  
India

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year)	10 February 2005 (10 02.2005)
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Applicant's or agent's file reference  
**SLL-PCT-3**

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/IN 2004/000218**

International filing date (day/month/year)  
**20 July 2004 (20 07.2004)**

Priority Date (day/month/year)  
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International Patent Classification (IPC) or both national classification and IPC  
**C07D 263/24**

Applicant

**SYMED LABS LIMITED**

1 This opinion contains indications relating to the following items:

- ☒ Cont. No. I Basis of the opinion
- ☐ Cont. No. II Priority
- ☐ Cont. No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Cont. No. IV Lack of unity of invention
- ☒ Cont. No. V Reasoned statement under Rule 43bis 1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Cont. No. VI Certain documents cited
- ☐ Cont. No. VII Certain defects in the international application
- ☐ Cont. No. VIII Certain observations on the international application

#### 2 FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66 1bis(b) that written opinions of this International Searching Authority will not be so considered

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220

3. For further details, see notes to Form PCT/ISA/220

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Authorized officer

**WENIGER S**

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No  
PCT/IN 2004/000218

**Continuation No. I**

**Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed.

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**Continuation No. V**

**Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims 1-66	YES
	Claims ----	NO
Inventive step (IS)	Claims 1-66	YES
	Claims ----	NO
Industrial applicability (IA)	Claims 1-66	YES
	Claims ----	NO

**2. Citations and explanations:**

All cited documents are referred to in this communication.

In the light of the disclosure and the (combined) teachings of the cited documents, the present application meets the requirement of novelty and inventive step, since:

- a process for the preparation of a compound of formula I comprising the steps of reacting a compound of formula II with potassium phthalamide or by reacting a compound of formula V with a phthalimido oxiranyl compound and subjecting the product to a cyclization reaction thus obtaining a novel intermediate, an oxazolidinone compound having a 5-phthalimido substituent (according to formula VII), is not described in prior art and
- there could not be derived any suggestion from the (combined) teaching of prior art that oxazolidinones of formula I could be obtained in good yields via a reaction pathway, esp. by synthesizing and using an oxazolidinone compound having a 5-phthalimido substituent (according to formula VII) as a novel intermediate.

Industrial applicability of the subject matter of the present application is given.

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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>SLL-PCT-3</b>	<b>FOR FURTHER ACTION</b>	see Form PCT/ISA/220 as well as, where applicable, item 5 below
International application No. <b>PCT/IN 2004/000218</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) -----	International filing date ( <i>day/month/year</i> ) <b>20 July 2004 (20 07 2004)</b>
Applicant <div style="text-align: center;"><b>SYMED LABS LIMITED</b></div>		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see continuation of this first sheet.

2. ☐ Certain claims were found unsearchable (see continuation of this first sheet).

3. ☐ Unity of invention is lacking (see continuation of this first sheet).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in the continuation of this first sheet. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. \_\_\_\_\_

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No  
PCT/IN 2004/000218

<b>A. CLASSIFICATION OF SUBJECT MATTER</b> <b>IPC<sup>7</sup>: C07D 263/24</b> According to International Patent Classification (IPC) or to both national classification and IPC		
<b>B. FIELDS SEARCHED</b> Minimum documentation searched (classification system followed by classification symbols) <b>IPC<sup>7</sup>: C07D</b> Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)		
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No
A	WO 1995/007271 A1 (THE UPJOHN COMPANY) 16 March 1995 (16.03.1995) <i>page 6 - lines 15-34, Chart 1.</i>	1-66
A	CN 1355165 A (INSTITUTE OF MEDICAL AND BIOLOGICAL TECHNOLOGY, CHINESE ACADEMY OF MEDICAL SCIENCES); 26 June 2002 (26.06.2002) (abstract), CAPLUS [online], Chemical Abstracts online [retrieved on 20 1 2005]. Retrieved from: CAPLUS Database, STN-International, Karlsruhe (DE), CAPLUS Accession no. 2003:576097 <i>CAPLUS abstract.</i>	1-66
<input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C <input checked="" type="checkbox"/> See patent family annex		
* Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier application or patent but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art "&" document member of the same patent family		
Date of the actual completion of the international search 1 February 2005 (01.02.2005)		Date of mailing of the international search report 10 February 2005 (10.02.2005)
Name and mailing address of the ISA/ AT <b>Austrian Patent Office</b> Dresdner Straße 87, A-1200 Vienna Facsimile No +43 / 1 / 534 24 / 535		Authorized officer WENIGER S. Telephone No +43 / 1 / 534 24 / 341

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/IN 2004/000218

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 1999/024393 A1 (PHARMACIA & UPJOHN COMPANY) 20 May 1999 (20.05.1999) <i>charts.</i> --	1-66
A	EP 4024 A2 (KALI-CHEMIE PHARMA GMBH) 19 September 1979 (19.09.1979) <i>pages 5-7.</i> --	1-66
A	EP 0275742 A1 (DELALANDE S.A.) 27 July 1988 (27.07.1988) <i>claims, page 3.</i> --	1-66
A	FR 2 506 769 A (DELALANDE S.A.) 3 December 1982 (03.12.1982) <i>page 2, claims.</i> --	1-66
A	EP 50827 A1 (E.I. DU PONT DE NEMOURS AND COMPANY) 5 May 1982 (05.05.1982) <i>Scheme C, claims.</i> ----	1-66

Form PCT/ISA/210 (continuation of second sheet (0)) (January 2004)

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# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/IN 2004/000218

Patent document cited in search report			Publication date	Patent family member(s)	Publication date
CN	A	1355165	2002-06-26	none	
EP	A	275742		JP A 63165375	1988-07-08
				AU A 8282187	1988-06-23
				ZA A 8709452	1988-06-10
				EP A1 0275742	1988-07-27
				DE D1 3784048D	1993-03-18
				FR A1 2608604	1988-06-24
EP	A	4024		CA A1 1122980	1982-05-04
				AT A 179079	1982-01-15
				AI B 368138B	1982-09-10
				JP A 54122287	1979-09-21
				HU B 178593	1982-05-28
				EP A2 0004024	1979-09-19
EP	A	50827		JP A 57099576	1982-06-21
				IE B1 52127	1987-06-24
				DK A 467281	1982-04-24
				CA A1 1167449	1984-05-15
				EP A1 0050827	1982-05-05
				DE D1 3174516D	1986-06-05
FR	A2	2506769	1982-12-03	US A 4435415	1984-03-06
				US A 4413001	1983-11-01
				US A 4526786	1985-07-02
				JP A 56167666	1981-12-23
				FR A2 2458547	1981-01-02
WO	A	19950072		none	
		71			
WO	A	19990243		none	
		93			